



State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

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Governor

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Division Director

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Salt Lake City, Utah 84114-5801  
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(801) 359-3940 (Fax)

January 21, 1997

CERTIFIED RETURN RECEIPT  
P 074 976 564

William and Preston Bown  
Utah Building Stone Supply  
842 West 400 North  
Bountiful, Utah 84087

Re: Notice of Agency Action to Enforce Violated Minerals Rules, Grouse Creek Operations,  
M/003/031, Box Elder County, Utah

Dear Messrs. Bown:

On November 6, 1995, the Division issued a *Notice of Non-Compliance* to Utah Building Stone Supply ("UBSS") for its failure to file a Large Mining Notice of Intention. Surface disturbance at the Grouse Creek quarry exceeded five acres (the maximum acreage allowed for a Small Mining Operation). On November 27, 1995, a Large Mining Notice was received by this office. Deficiency comments were returned to UBSS on January 30, 1996. Several meetings and onsite inspections followed. An agreement was reached whereby you agreed to reclaim certain disturbed areas within an accepted timeframe. The agreement also required posting of an interim \$6,500 reclamation surety, if UBSS failed to reclaim the excess surface disturbance within the specified timeframe. To date, UBSS has failed to fully mitigate the November 6, 1995, *Notice of Non-Compliance*. The excess disturbed acreage has not been reclaimed, the interim reclamation surety has not been posted with the Division, and UBSS has taken no further actions to complete the Large Mine permitting process. Consequently, the Division is forwarding this *Notice of Agency Action*.

*UBSS presently has no mine permit, DOGM approval, or legal right to conduct mining operations at the Grouse Creek Quarry. You are hereby directed to suspend all mining activities at this site until you acquire an approved Large Mining Operation Notice of Intention from this office. Any continued mining activity at this site (without first acquiring an approved permit from this Division) will constitute a willfull violation of the Utah Mined Land Reclamation Act and its interpretive rules. An operator found guilty of a willful violation of the Act can be subject to penalties of up to \$10,000 per violation.*

- **Applicable Minerals Rules which are in violation:**

R647-3-113. Mine Enlargement: *Before enlarging a small mining operation beyond five (5) acres of surface disturbance, the operator must file a Notice of Intention to Commence Large Mining Operations (FORM MR-LMO) and receive Division approval.*

R647-4-101. Filing Requirements and Review Procedures: *A Notice of Intention to Commence Large Mining Operation (FORM MR-LMO) must be approved by the Division before mining operations begin.*

R647-4-107(6). Operation Practices - Concurrent Reclamation: *During operation, disturbed areas shall be reclaimed when no longer needed, except to the extent necessary to preserve evidence of mineralization for proof of discovery. Areas which have been disturbed but are not routinely or currently utilized shall be kept in a safe, environmentally stable condition.*

- **Opportunity to Appeal Division's Decision**

R647-5-104(2.12.116) - UBSS may request an informal hearing before the Division within ten (10) days of the date of this letter (or formal publication). UBSS's failure to make such a request for hearing may preclude its right for any further participation, appeal or judicial review regarding this adjudicative proceeding.

- **Informal Hearing Conducted before Division Director**

R647-5-104(2.11.5) - The adjudicative proceeding will be conducted informally according to the provisions of these Rules and Sections 63-46b-4 and 63-46b-5 of the Utah Code Annotated (1953, as amended).

- **Legal Authority and Jurisdiction**

R647-5-104(2.11.117) - Pursuant to section 40-8-5, Utah Code Annotated (1953, as amended), and accordance with Utah Administrative Rules R647-3-113, R647-4-101, and R647-4-107(6).

- **Purpose of Adjudicative Proceeding**

R647-5-104(2.11.119) - The purpose of the adjudicative proceeding (i.e., informal hearing) is to determine if the operator is in violation of the above cited rules.

Accordingly, UBSS has a right to appeal the Division's decision on this matter by requesting an *informal* administrative hearing before the Division Director. A *written* appeal to this decision must be filed with this office within 10 days of your receipt of this certified letter. If no hearing is requested, then the Division's decision will become final. (A copy of the R647-5, Administrative and Procedural Rules, is enclosed for your reference should you decide to file an appeal.)

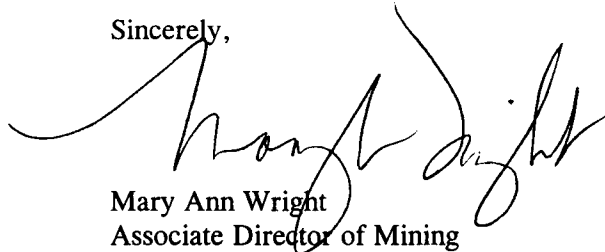
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- **Instructions for Filing an Appeal of the Division Decision**

The written appeal must state: 1) your intent to appeal; 2) the specific violations you wish to appeal. This written appeal must be filed with this office within 10 days of your receipt of this certified letter.

Please contact me, or D. Wayne Hedberg, Minerals Program Supervisor, if you have questions concerning the requirements of this letter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mary Ann Wright".

Mary Ann Wright  
Associate Director of Mining

jb

Enclosures: (1) mailing list; (2) procedural/admin. rules

cc: Mike Ford, BLM w/encl #1

m003031.act

CERTIFICATE OF MAILING

I hereby certify that I caused a true and correct copy of the foregoing Notice of Agency Action for Utah Building Stone Supply, Grouse Creek Quarry to be mailed by first class mail, postage prepaid, the 21st day of January, 1997 to:

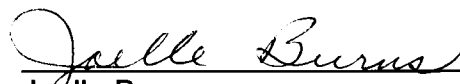
William and Preston Bown  
Utah Building Stone Supply  
842 West 400 North  
Bountiful, Utah 84087

Mike Ford  
Bureau of Land Management  
Salt Lake Field Office  
2370 South 2300 West  
Salt Lake City, Utah 84119

John Blake  
School and Institutional Trust Lands Administration  
675 East 500 South  
Salt Lake City, Utah 84102

Roscoe Ward  
EY Ranch  
Almo, Idaho 83312

Gordon Struthers  
United States Forest Service  
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2621 South Overland Avenue  
Burley, Idaho 83318

  
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Joelle Burns  
Minerals Secretary

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